

1                   **UNITED STATES DISTRICT COURT**  
2                   **DISTRICT OF NEVADA**  
3                   **-oOo-**

4                   UNITED STATES OF AMERICA,  
5    Plaintiff,  
6    vs.  
7                   NICHOLAS MICHAEL DARLEY,  
8    Defendant.

2:15-mj-00830-PAL

5                   **ORDER**

9                   **ORDER**

10                  Based on the pending Stipulation of counsel, and good cause appearing  
11 therefore, the Court finds that:

12                  1.       The parties have reached a plea agreement, and the agreement has been  
13 signed. Additional time is needed for the change of plea hearing to take place, and a  
14 sentencing date to be scheduled.

16                  2.       The parties agree to the continuance.

17                  3.       The defendant is incarcerated and but does not object to the continuance.

18                  4.       Additionally, denial of this request for continuance could result in a  
19 miscarriage of justice.

20                  5.       The additional time requested herein is not sought for purposes of delay,  
21 but to allow for the change of plea hearing to take place and the case to be resolved.

22                  6.       The additional time requested by this stipulation, is allowed, with the  
23 defendant's consent under the Federal Rules of Procedure 5.1(d).

24                  7.       This is the fourth request for a continuation of the preliminary hearing.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein to potential resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, and possibly resolve the case prior to the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for April 29, 2016, at the hour of 4:00 pm, be vacated and continued to

June 15, 2016 at the hour of 4:00 pm.

DATED 29th day of April, 2016.

Peggy A. Leen  
THE HONORABLE PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE